



Intermodal Local Number Portability

Enhancing Competition and Maximizing Consumer Choice

Ex Parte Presentation
in
CC Docket No. 95-116

October 2003



KEY PRINCIPLES

CUSTOMER CHOICE AND COMPETITION MUST BE PARAMOUNT

Upon request by a customer, a carrier – whether wireline or wireless – must port a telephone number to any other carrier – whether wireline or wireless – that serves the rate center with which the number is associated (i.e., is capable of originating and terminating calls within the rate center).

UNNECESSARY RESTRICTIONS ON LNP MUST BE PROHIBITED

Carriers must not be permitted to impose any restrictions on the ability of a customer to port his or her number to the carrier of his or her choice when it is technically feasible to do so (i.e., all technically feasible port requests must be honored).

THE PORTING INTERVAL SHOULD BE SHORTENED

The Commission should issue a Further Notice of Proposed Rulemaking requesting comment on shortening the intermodal porting interval.



COMPETITION AND CUSTOMER CHOICE

Intermodal LNP should enhance competition and maximize customer choice

- In order to enhance competition and maximize customer choice, the FCC should rule that:
 - Upon request by an end user, a carrier – whether wireline or wireless – must port a telephone number to any other carrier – whether wireline or wireless – that serves the rate center with which that telephone number is associated (i.e., is capable of originating and terminating calls within the rate center).
- The ruling is simple, clear and technologically neutral because it applies equally to every type of carrier.
- The ruling is also consistent with the Act, the FCC's current rules and past decisions regarding LNP because it focuses on consumer rights by maximizing the ability of end users to retain their telephone number while switching carriers, which is the core principle of the LNP requirements. Thus the FCC can adopt the ruling without issuing a further notice of proposed rulemaking.



NO UNNECESSARY RESTRICTIONS

*Carriers should not be allowed to undermine LNP
by unilaterally imposing restrictions*

- In order to ensure that carriers cannot unilaterally undermine the ability of end users to retain their telephone number when switching carriers, the FCC should reaffirm two of its rulings:

Porting among wireline and wireless carriers constitutes mandatory “service provider portability,” and not “location portability” so long as the ported telephone number remains associated with the same rate center and thus “at the same location.”

The sole limitation on service provider portability that the Act and the FCC’s current rules and regulations recognize is technical feasibility.

- The FCC can make these clarifications without issuing another further notice of proposed rulemaking because the same standards apply to wireline-to-wireline and wireless-to-wireless LNP today.



NO UNNECESSARY RESTRICTIONS

*Carriers should not be allowed to undermine LNP
by unilaterally imposing restrictions (continued)*

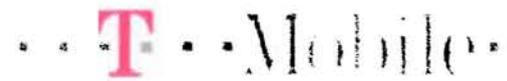
- The FCC should clarify that a carrier cannot deny an otherwise valid port request merely because the new carrier:
 - does not have its own numbers in the rate center
 - does not have “facilities” in the rate center
 - does not have a direct interconnection with the current carrier in the rate center
 - is not directly interconnected with the current carrier
 - does not have an interconnection agreement with the current carrier
 - is in a pending dispute with the current carrier over intercarrier compensation, interconnection, or any other issue not related to the customer
- The FCC should also clarify that the current carrier cannot deny a port request due to a pending dispute with the customer about billing, minimum contract terms, early termination fees or credit requirements.
- None of these “restrictions” or “conditions” are necessary on technical feasibility grounds.



INTERCONNECTION AGREEMENTS

- On the eve of the deadline for implementing wireless LNP, certain ILECs now claim that the Act compels them to enter into interconnection agreements with every carrier to which or from which it ports number.
- There is no legal reason why carriers must have interconnection agreements to implement portability.
 - The Act does not require wireless carriers to negotiate interconnection agreements solely for the purpose of number portability.
 - For wireline LNP, an ILEC's obligation to port numbers under the Act and the FCC's rules has never been limited to only those carriers with which it has an interconnection agreement.
- There is no practical reason why carriers must have interconnection agreements to support number porting: LNP itself does not change how calls are rated and routed.
 - Wireless carriers are implementing LNP through simple service level agreements (SLAs).
 - The Commission recently held for wireless-to-wireless LNP that in the absence of a formal agreement "carriers only need share basic technical and contact information sufficient to perform the port." The same standard should apply in the intermodal context.





INTERMODAL PORTING INTERVAL

Portability should be simple and efficient for customers.

- The FCC should issue an FNPRM requesting comment on shortening the intermodal porting interval.
- The CMRS providers have agreed to a wireless to wireless porting interval of 2 ½ hours.
- The wireline porting interval is currently 4 days.
- A porting interval of 4 days is unnecessarily long and will result in customer confusion and inconvenience.



CONCLUSION

FCC action can enhance competition and maximize customer choice

- In order to enhance competition and maximize customer choice, the FCC should rule that carriers are not permitted to impose any restrictions on the ability of a customer to port their number to the carrier of their choice when it is technically feasible to do so.
- The FCC should clarify that interconnection agreements are not necessary to implement pooling.
- The FCC should issue a Further Notice of Proposed Rulemaking requesting comment on shortening the intermodal porting interval.

